

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CAUSE NO. 1:14cv254-LG-JCG

\$9,980.00 IN UNITED STATES CURRENCY

DEFENDANT

DEFAULT JUDGMENT OF FORFEITURE

Before this Court is Plaintiff United States of America's Motion [30] for Default Judgment of Forfeiture. Having considered the Government's Motion, the relevant law and the record in this case, the Court finds that the Government is entitled to a default judgment of forfeiture. The Court makes the following findings and conclusions:

1. On June 27, 2014, the Government filed in the above-styled cause a Verified Complaint for Forfeiture *in Rem* [ECF No. 1]. The Verified Complaint alleges that the above-referenced Defendant Property is subject to forfeiture pursuant to Title 21 U.S.C. § 81(a)(4).

2. On June 27, 2014, the Court issued a Warrant of Arrest *in Rem*. [ECF No. 4].

3. Beginning on July 19, 2014, the Government published for thirty consecutive days on an official government internet website at www.forfeiture.gov notice of the instant civil asset forfeiture action against the Defendant Property, as evidenced by the Declaration of Publication [ECF No. 14] filed in this cause on August 26, 2014.

4. The Government mailed pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, U.S.C.S. Admiralty and Maritime Claims R. G(4)(b)(i), a written notice of the instant civil asset forfeiture action against the Defendant Property and a copy of the Verified Complaint for Forfeiture to all potential claimants reasonably known to the Government, as evidenced by the Government's Proof of Service [ECF No. 9], filed with this Court on August 8, 2014.

5. The aforementioned publication and direct notices informed Israel Garcia Gasper, Joao Juarez Bizato, and all other persons or entities, known or unknown, claiming an interest in the Defendant Property that the Defendant Property had been arrested and that the instant civil forfeiture action was pending. The publication and direct notice also informed said persons and entities that any persons or entities having or claiming an interest in the Defendant Property had at least thirty-five (35) days after the plaintiff mailed its written, direct notice, or sixty (60) days after the first publication of notice on an official government website, to file a claim and twenty (20) days after filing such claim to file an answer. Furthermore, the notice referred any such persons or entities to Rule G(5) of Supplemental Rules of Admiralty and Maritime Claims and Asset Forfeiture Actions, and warned that if this rule was not strictly followed, the Court could strike any claim and answer and enter default judgment of forfeiture or summary judgment against any improperly claimed interest in the Defendant Property.

6. As of this date, no person or entity, other than Joao Juarez Bizato, has

filed a claim, answer, or any other pleading in this cause. In addition, no person or entity, other than Joao Juarez Bizato, has made any appearance in this cause to assert an interest in the Defendant Property or to otherwise defend against the instant forfeiture action.

7. On April 7, 2015, the Court granted the Government's motion to dismiss the claim of Joao Juarez Bizato to the Defendant Property. As a result, there are no longer any valid claims or answers pending in this matter.

8. The time for filing a valid claim or answer in this action has lapsed pursuant to Supplemental Rule G., U.S.C.S. Admiralty and Maritime Claims R. G. and Joao Juarez Bizato has withdrawn his claim of ownership. As such any other possible claimants, are in total default; the Clerk of Court's May 28, 2015 Entry of Default [ECF No. 29] was proper; and the Government is entitled to a default judgment of forfeiture against the full interests of Joao Juarez Bizato, and all other persons and entities in the Defendant Property, all without the necessity of further notice to Israel Garcia Gasper, Joao Juarez Bizato, or any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. The United States of America is hereby given a default judgment of forfeiture against the full interests of Israel Garcia Gasper, Joao Juarez Bizato, and all other persons and entities in the Defendant;

b. Any administrative claims or interests therein of any entities or persons, including Joao Juarez Bizato and any other possible claimant.

c. The Defendant Property is referred to the custody of the United States Marshals Service for disposition in accordance with the relevant law and regulations.

SO ORDERED AND ADJUDGED this the 5th day of June, 2015.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE